

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		CUSTOMER NO. 22,852  ATTORNEY'S DOCKET NUMBER: 08685.0003
U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/562,144</b>		
INTERNATIONAL APPLICATION NO. <b>PCT/PT2004/000015</b>	INTERNATIONAL FILING DATE June 25, 2004	PRIORITY DATE CLAIMED June 26, 2003
TITLE OF INVENTION <b>CASTANEA SATIVA MILL. GENES CODIFYING FOR ALLENE OXIDE CYCLASE, CYSTATIN, β-1,3-GLUCANASE AND THAUMATIN-LIKE PROTEIN AND THEIR USE</b>		
APPLICANT(S) FOR DO/EO/US <b>1) Susana Maria TRAQUETE SERRAZINA; 2) Sandra Cristina MATIAS FONSECA; 3) Maria Salomé SOARES PAIS; 4) Aladje BALDÉ</b>		
Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed with the United States Receiving Office (RO/US).</li> </ul> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> Information Disclosure Statement under 37 CFR 1.97 and 1.98</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A Substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154 (d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information:</p> <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> Copy of cover page of International Publication No. WO 2004/113546 A3</li> <li>b. <input checked="" type="checkbox"/> Sequence Listing in Written Form (11 sheets)</li> <li>c. <input checked="" type="checkbox"/> Copy of Notification of Missing Requirements.</li> </ul>		

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/562,144</b>	INTERNATIONAL APPLICATION NO. <b>PCT/PT2004/000015</b>	ATTORNEY'S DOCKET NUMBER <b>08685.0003</b>		
The following fees have been submitted:		CALCULATIONS      PTO Use Only		
21. <input type="checkbox"/> BASIC NATIONAL FEE (37 CFR 1.492(a)): ..... \$300.00		\$		
22. <input type="checkbox"/> Examination fee (37CFR 1.492(c))  If the Written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations..... \$200		\$		
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500		\$		
TOTAL of 21, 22 and 23 =		\$		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate	
- 100 =	/50=		x \$250.00	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	<b>27 - 20 =</b>	<b>7</b>	x \$50.00	\$
Independent Claims	<b>1 - 3 =</b>		x \$200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+\$360.00		\$
TOTAL OF ABOVE CALCULATIONS =		\$130.00		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				\$
		SUBTOTAL =		\$130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest priority date (37 CFR 1.492(i)).		+		\$
		TOTAL NATIONAL FEE =		\$130.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.		+		\$
07/24/2006 ATRAN1 00000098 10562144		TOTAL FEES ENCLOSED =		\$130.00
01 FC:1617 130.00 DP		Amount to be refunded:		\$
		charged:		\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$130.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>				
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.				
SEND ALL CORRESPONDENCE TO:				
 Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413				
Ernest F. Chapman, Reg. No. 25,961 NAME/REGISTRATION NUMBER				
DATED: July 20, 2006				

Customer Number 22,852  
Attorney Docket No. 08685.0003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re U.S. national phase of: PCT/PT2004/000015 )  
Inventors: Susana Maria TRAQUETE SERRAZINA et al. ) Group Art Unit: Not Yet Assigned  
Serial No.: 10/562,144 ) Examiner: Not Yet Assigned  
Filed: December 23, 2005 )  
For: CASTANEA SATIVA MILL. GENES CODIFYING )  
FOR ALLENE OXIDE CYCLASE, CYSTATIN,  $\beta$ -1,3- )  
GLU-CANASE AND THAUMATIN-LIKE PROTEIN )  
AND THEIR USE )

**MAIL STOP - PCT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**REQUEST FOR EXTENSION OF TIME**  
**TO RESPOND TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

Applicants hereby petition for a two (2) month extension of time to respond to the Notification of Missing Requirements dated March 21, 2006.

A check in the amount of \$450.00 is enclosed. This amount represents the extension fee for filing the Response to Notification of Missing Requirements within two (2) months following the expiration of the due date.

07/24/2006 ATRAN1 00000098 10562144

02 FC:1252 450.00 0P

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 20, 2006

By:

  
Ernest F. Chapman  
Reg. No. 25,961

EFC/FPD/blc  
Enclosures



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,144	Susana Maria Traquete-Serrazina	08685.0003

## INTERNATIONAL APPLICATION NO.

PCT/PT04/00015

I.A. FILING DATE	PRIORITY DATE
06/25/2004	06/26/2003

22852  
 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
 LLP  
 901 NEW YORK AVENUE, NW  
 WASHINGTON, DC 20001-4413

**RECEIVED**

MAR 8 7 2006

CONFIRMATION NO. 5526  
 371 FORMALITIES LETTER  
  
 \*OC000000018312590\*

Date Mailed: 03/21/2006

*Finnegan, Henderson, Farabow,  
 Garrett & Dunner, L.L.P.*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/23/2005
- Copy of the International Search Report filed on 12/23/2005
- Biochemical Sequence Listing filed on 12/23/2005
- U.S. Basic National Fees filed on 12/23/2005
- Priority Documents filed on 12/23/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37

RTK  
 APR 04 2006

CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

SHELBY J VIGIL

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Telephone: (703) 308-9140 EXT 224

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,144	PCT/PT04/00015	08685.0003